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## Remarks

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 1-7 remain in this case. Claims 1 and 3 have been amended to more clearly define the invention.

The transitional phrase "comprising" has been amended to "consisting essentially of" in Claim 1. The viscosity limitation of less than 140 centipoise from original claim 3 has been incorporated into Claim 1. The preferred viscosity of less than 100 centipoise (page 11 line 9) has been inserted into Claim 3.

Claims 1-7 have been rejected under 35 U.S.C § 103 (a) as being unpatentable over the combined teaching of U.S. Patent 4,159,901 (Beestman *et al.*) and U.S. Patent Publication 2003/0087764 (Pallas *et al.*).

The present invention concerns an aqueous herbicidal concentrate consisting essentially of greater than 350g ae/L of either the monomethylamine salt or the dimethylamine salt of glyphosate, water and 20 to 200g/L surfactant. The monomethylamine salt and the dimethylamine salt of glyphosate unexpectedly provide a high-strength, aqueous herbicidal concentrate of low viscosity (<140 centipoise). In addition, these particular concentrates demonstrate additional unexpected properties, viz., both concentrates provide superior efficacy compared to the commercially available iso-propylamine salt and potassium salt formulations, the dimethylamine concentrate is not antagonistic to important mixing partners as is the potassium salt of glyphosate, and the monomethylamine salt gives unexpectedly better control of lambsquarter.

Beestman *et al.* discloses corrosion inhibited compositions of glyphosate salts in combination with various surfactants. In addition Beestman *et al.* requires the presence of a thio compound as a corrosion inhibitor. While Beestman *et al.* mentions the di (methylamine) and the di (dimethylamine) salts of glyphosate, it does not specifically mention the monomethylamine salt or the dimethylamine salt of the present invention.

Pallas *et al.* teaches a liquid herbicidal concentrate emulsion having a continuous aqueous phase and a discontinuous oil phase. It requires a water-immiscible organic solvent together with a glyphosate salt and a surfactant. While Pallas *et al.* mentions the methylamine and dimethylamine salts of glyphosate (page

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20 paragraph [0123]), neither is included in the preferred embodiments of the invention (page 4 paragraph [0038]).

Both Beestman *et al.* and Pallas *et al.* disclose the three essential elements of the present invention: water, a glyphosate salt and a surfactant. However, each require another essential element, a sulfur containing corrosion inhibitor in Beestman *et al.* and a water-immiscible organic solvent in Pallas *et al.* Neither reference contains the teaching or the suggestion that either of these essential elements can be removed resulting in the present invention. Therefore the combination of Beestman *et al.* and Pallas *et al.* do not make the present invention *prima facie* obvious to the skilled artisan.

Furthermore, neither reference discloses or suggests any advantage with respect to the monomethylamine and dimethylamine salts of glyphosate. If anything Pallas *et al.*, by excluding these particular salts from the preferred embodiments, teaches away from the present invention.

Even if a *prima facie* case of obviousness had been established, the present application demonstrates several unobvious and unexpected advantages of the present invention.

Tables 2 and 8 summarize the significantly lower viscosities of the high-strength monomethylamine salt and the dimethylamine salt formulations of the present invention compared to the commercial standards.

Tables 3-5 and Table 9 summarize the superior efficacy of the formulations of the present invention compared to the commercial standards.

Table 6 shows the reduced antagonism of the dimethylamine salt formulation of the present invention when mixed with 2,4-D or triclopyr amine salts compared to the commercial potassium salt standard.

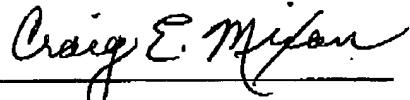
Table 10 illustrates the superior control of lambsquarter by the monomethylamine salt compared to the commercial standard.

These examples demonstrate the unexpected advantages of the present invention and cannot be summarily dismissed by the Examiner as "No unobvious or unexpected results are noted;..."

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On the basis of the above amendments and remarks, the application is believed to fulfill the requirements of 35 U.S.C. § 103 (a). Reconsideration of this application and its early allowance are respectfully requested.

Respectfully submitted,



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